IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.569 OF 2005
IN
APPEAL FROM ORDER NO.1079 OF 2005

Mr. Chandan Talreja .....Appellant
Versus
Ashok Maranbaasri & Ors. .....Respondents

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Shri.Jimmy Mehta with Shri M.R. Phal & S.J.Dhadge
for the Appellant.

Shri Rafiq Peermohideen for Respondent No.1.
Shri S.A. Bhalwal for respondent No.2.

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CORAM : DR.D.Y. CHANDRACHUD, J.

DATE : DECEMBER 6, 2005

P.C.

1. The services of Mahanagar Gas Ltd. were engaged by the Appellant for the purpose of laying a gas pipe line so as to enable the Appellant to obtain the supply of PNG at its unit at Gala No.17, Maranbasri Industrial Estate. The Court has been informed by the Learned Counsel that a trench of approximately 15 mtr. has already been dug and the laying of the gas pipe line is completed. The Learned Counsel appearing on behalf of the Mahanagar Gas Ltd.- the second respondent to this proceeding has furnished an undertaking to the Court on instructions that the common passage under which the trench has been made and the pipe line has been laid shall be restored to a normal and usable condition by carrying out necessary levelling and other incidental

work, no later than within a period of two weeks from today.

2. The Registrar of the City Civil Court shall nominate an Officer who shall visit the site. Upon the expiry of a period of two weeks from today the Commissioner shall visit the site and submit a report on whether the site has been duly restored and levelled and is in a usable condition, after the work of installing the gas pipe line is completed. Upon the completion of the work of installing the gas pipe line, this shall operate as an interim arrangement pending the trial of the suit and shall be without prejudice to the rights and contentions of the parties. It will be open to the second respondent to supply PNG to the Appellant, subject to due observance of all safety and other requirements of all concerned Statutory Authorities.

The Appeal from order is accordingly disposed of.

(DR. D.Y. CHANDRACHUD, J.)